

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SINGULARDTV, GMBH,

Plaintiff,

v.

ZACHARY LEBEAU and KIMBERLY  
JACKSON,

Defendants.

Case No. 1:21-cv-10130 \_\_\_\_\_

**ORDER TO SHOW CAUSE WHY  
PRELIMINARY INJUNCTION  
SHOULD NOT ISSUE**

**ORAL ARGUMENT REQUESTED**

Upon the Declaration of Benjamin J. A. Sauter, Esq. dated November 26, 2021 (Dkt. No. 08), the Declaration of Patrik Allenspach dated November 26, 2021 (Dkt. No. 09), and the Declaration of Michael Mráz dated November 26, 2021 (Dkt. No. 10), the Complaint in this action, and the accompanying Memorandum of Law, it is:

ORDERED, that the above-named defendants show cause before this Court, at Room \_\_\_\_\_, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on \_\_\_\_\_, 2021, at \_\_\_\_ o'clock in the \_\_\_\_\_ thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:

- (i) requiring Defendants to restore or cause to be restored Plaintiff's access to and control over its e-mail services;
- (ii) enjoining Defendants from accessing or causing other persons to access Plaintiff's and/or its employees' e-mail accounts and other electronic records;
- (iii) requiring Defendants to return to Plaintiff all assets in their possession or control that are the property of the Plaintiff, including but not limited to the Cold Wallet, the digital assets stored on the Cold Wallet, the private keys associated with those digital assets, and any and all proceeds thereof;

- (iv) declaring that the Cold Wallet, the digital assets stored on the Cold Wallet, and the private keys associated with them, and any and all proceeds thereof, are held by Defendants in constructive trust for the benefit of Plaintiff;
- (v) enjoining Defendants from taking, or causing any other person to take, any step to transfer, encumber, or conceal any assets in their possession or control that are the property of the Plaintiff, including but not limited to the Cold Wallet, the digital assets stored on the Cold Wallet, the private keys associated with those digital assets, and any and all proceeds thereof; and
- (vi) enjoining Defendants from purporting to take, or causing any other person to take, any action of any kind on behalf of Plaintiff.

It is further ORDERED that, as of the date of this Order to Show Cause and until this matter can be heard by the Court as set forth above, the DEFENDANTS ARE TEMPORARILY RESTRAINED from:

- (i) accessing, or causing any other person to access, the Plaintiff's and/or its employees' e-mail accounts and electronic records;
- (ii) interfering with the Plaintiff's access to and control over its and/or its employees' e-mail accounts and electronic records; and Defendants shall take steps to restore Plaintiff's access to the same;
- (iii) taking any step, whether by their personal actions or by causing another to act, to transfer, conceal, encumber, dissipate, or otherwise impair the value of any assets in their possession or control that are the property of the Plaintiff, including but not limited to the Cold Wallet, the digital assets stored on the Cold Wallet, the private keys associated with those digital assets, any and all proceeds thereof; and
- (iv) holding themselves out as officers or representatives of the Plaintiff or purporting to act on behalf of the Plaintiff in any way.

It is further ORDERED that the defendants shall file any submissions in opposition on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_ on \_\_\_\_\_, 2021, and the Plaintiff shall file any reply submissions on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_ on \_\_\_\_\_, 2021.

It is further ORDERED that personal service of a copy of this order and annexed papers upon the defendants or their counsel on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_ on \_\_\_\_\_, 2021, shall be deemed good and sufficient service thereof.

Dated: New York, New York  
November \_\_\_\_, 2021

ISSUED:

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United States District Judge